

AN ORDINANCE      **101559**

**CLOSING, VACATING, AND ABANDONING 125 FEET OF  
A 10 FOOTWIDE PUBLIC RIGHT OF WAY LOCATED  
BETWEEN OGDEN ST. AND MCCULLOUGH AVE.  
ADJACENT TO NCB 1748 IN COUNCIL DISTRICT NO. 1,  
AS REQUESTED BY NIPE PROPERTY INVESTMENTS,  
LTD., A TEXAS LIMITED PARTNERSHIP, FOR THE  
CONSIDERATION OF \$2,843.00.**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN  
ANTONIO:**

**SECTION 1.** Subject to the reservation below, the City finds surplus to its needs and hereby closes, vacates, and abandons the right-of-way consisting of the eastern 125 feet of the east-west alley interior to New City Block 1748, City of San Antonio, Bexar County, Texas, measuring westward from the west right of way line of McCullough Street and running to the east right of way line of the north-south alley interior to New City Block 1748, as graphically depicted on **Exhibit A**, which is incorporated herein by reference for all purposes as if it were fully set forth.

**SECTION 2.** This ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract.

**SECTION 3.** The City Manager or his designee is authorized and directed to execute and deliver all documents and to do all other things necessary or convenient to reflect this closure, abandonment, and vacation.

**SECTION 4.** . Funds in the amount of \$2,843.00 are to be deposited into fund 29027000, Special Revenue Reserve; IO 224000000010, Sale of Land; General Ledger 4903101, Sales-Land; when received from petitioner, Nipe Property Investments, Ltd.

**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance

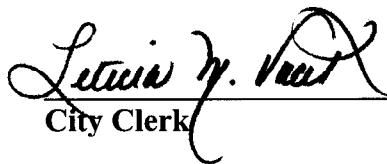
**SECTION 6.** This ordinance shall become effective October 30, 2005.

**PASSED AND APPROVED** this 20<sup>th</sup> day of October, 2005.

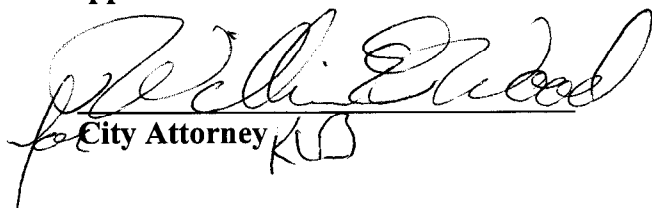
  
M A Y O R

Attest

PHIL HARDBERGER

  
City Clerk

Approved As To Form:

  
City Attorney *WES*

# Agenda Voting Results

**Name:** 4.

**Date:** 10/20/05

**Time:** 09:13:32 AM

**Vote Type:** Multiple selection

**Description:** Public hearing and consideration of an Ordinance closing, vacating, and abandoning 125 feet of a 10 footwide public right of way located between Ogden St. and McCullough Ave. adjacent to NCB 1748 in Council District No. 1, as requested by Nipe Property Investments, Ltd., a Texas limited partnership, for the consideration of \$2,843.00. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

**CITY OF SAN ANTONIO  
DEPARTMENT OF ASSET MANAGEMENT  
CITY COUNCIL AGENDA MEMORANDUM**

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**TO:** Mayor and City Council

**FROM:** Rebecca Waldman, Director, Department of Asset Management

**DATE:** Thursday, October 20, 2005

**SUBJECT:** S.P. No. 1214 - Request to close, vacate and abandon the eastern 125 foot portion of a 10 foot-wide alley Public Right of Way located between Ogden St. and McCullough Ave. adjacent to NCB 1748

**PETITIONER:** Nipe Property Investments, Ltd.  
Attn: Karen Landholt  
13750 US Hwy. 281 North, Suite 330  
San Antonio, TX 78232

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will authorize the closure, vacation and abandonment of 125 feet of a 10 foot-wide Public Right of Way located between Ogden St. and McCullough Ave. adjacent to NCB 1748 in Council District No. 1, as requested by Nipe Property Investments, Ltd., a Texas limited partnership, for the consideration of \$2,843.00.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting the closure, vacation and abandonment of the eastern 125 foot portion of a 10 foot-wide alley Public Right of Way located between Ogden St. and McCullough Ave. adjacent to NCB 1748 as shown on attached Exhibit "A." Petitioner recently purchased the abutting properties and would like to include the alley in their plans to redevelop properties. The alley was apparently asphalted by prior owners.

**POLICY ANALYSIS**

This action is consistent with City Ordinances regulating the closure, vacation and abandonment of Public Right of Way within the Corporate Limits of the City of San Antonio.

**FISCAL IMPACT**

The City will collect \$2,843.00 as consideration for this closure, vacation and abandonment of Public Right of Way.

### **COORDINATION**

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

### **SUPPLEMENTARY COMMENTS**

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 10/12/2005 and its finding will be presented to City Council on 10/20/2005.

Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director  
Department of Asset Management



Erik J. Walsh  
Assistant to the City Manager

# Canvassing Checklist

SPNo **1214**

Request: Petitioner is requesting the closure, vacation and abandonment of the eastern 125 foot portion of a 10 foot-wide alley Public Right of Way located between Ogden St. and McCullough Ave. adjacent to NCB 1748 as shown on attached Exhibit "A." Petitioner recently purchased the abutting properties and would like to include the alley in their plans to redevelop properties. Alley was apparently asphalted by prior owners.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	5/18/2005	8/31/2005	<input checked="" type="checkbox"/>		
PublicWorks	<input checked="" type="checkbox"/>	5/18/2005	8/24/2005	<input checked="" type="checkbox"/>		
Development Services	<input checked="" type="checkbox"/>	5/18/2005	8/9/2005		<input checked="" type="checkbox"/>	
Police Department						
Fire Department						
Parks and Recreation						
Neighborhood Action (NAD)						
City Public Service	<input checked="" type="checkbox"/>	5/18/2005	6/14/2005	<input checked="" type="checkbox"/>		
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	5/18/2005	6/6/2005		<input checked="" type="checkbox"/>	
TXDOT						
S.A. River Authority (SARA)						
VIA Metropolitan						
Environmental Services	<input type="checkbox"/>					
Other Agency						
Neighborhood Association	<input checked="" type="checkbox"/>	5/18/2005				

## Canvassing Comments

TOBIN HILL NEIGHBORHOOD ASSOCIATION, ATTN: RICHARD MOORE, P O BOX 12376, 78212 - NO RESPONSE WAS RETURNED.

## Exhibit A

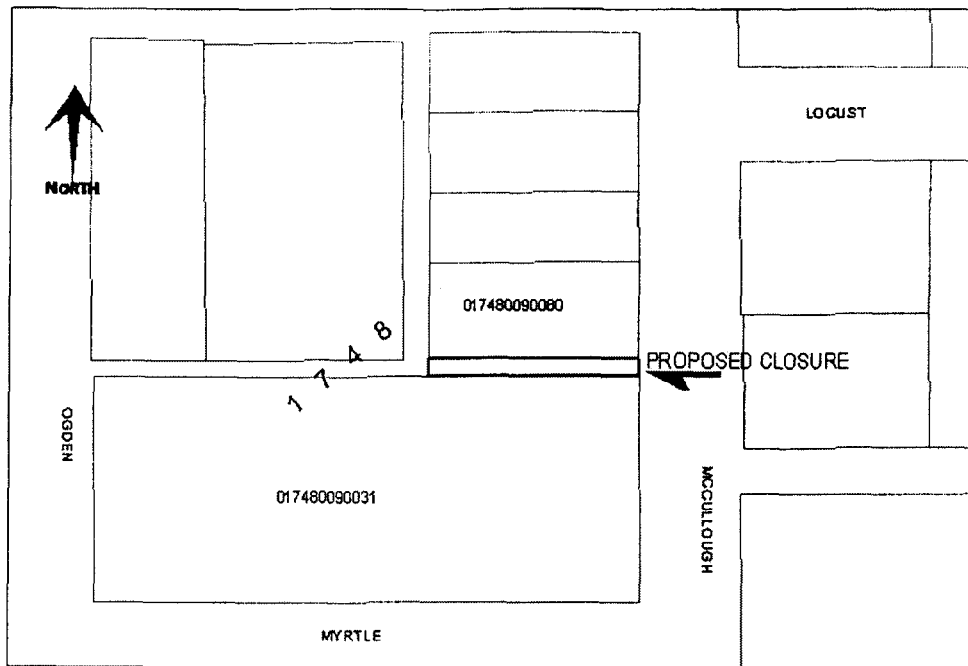
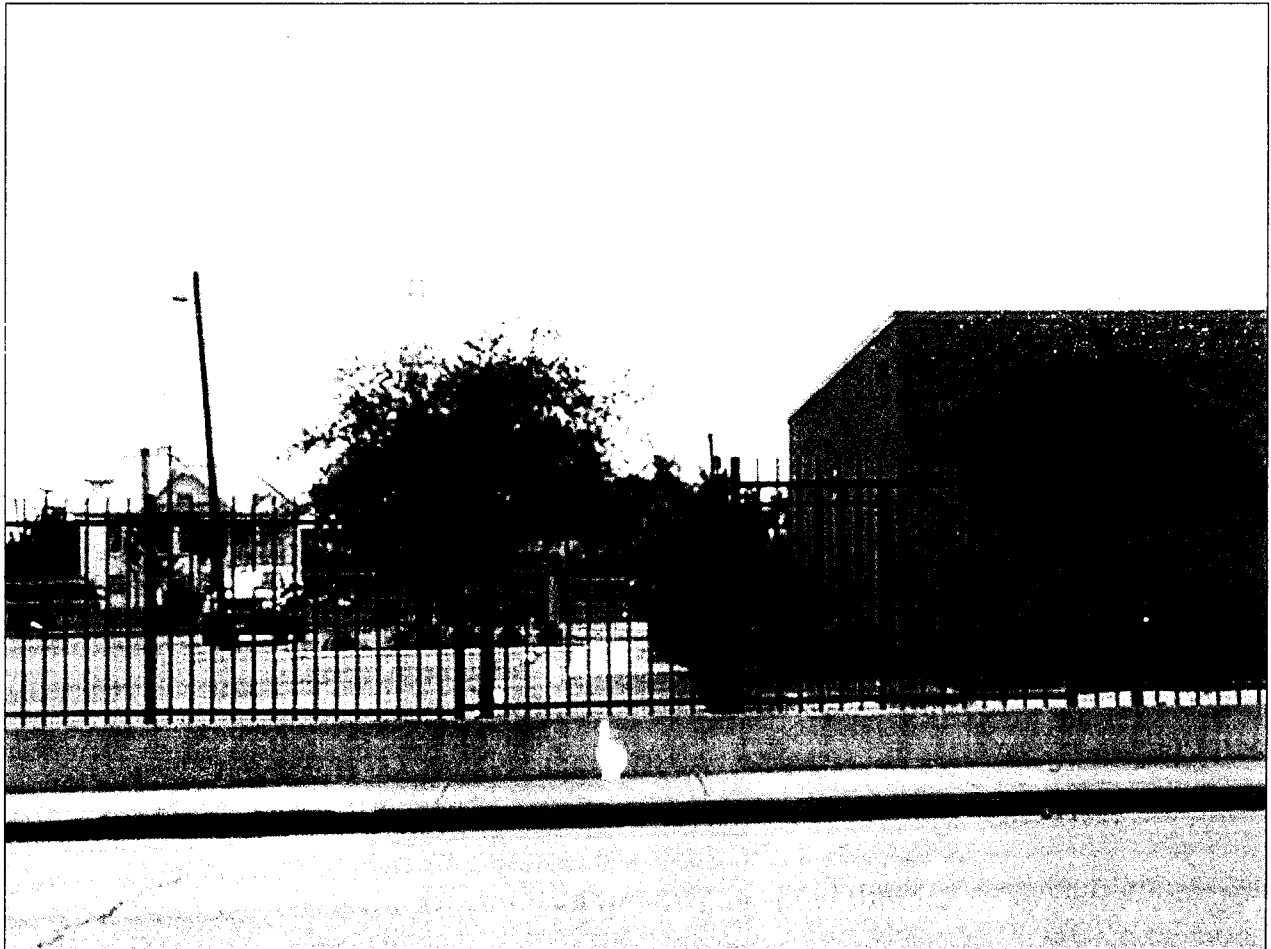
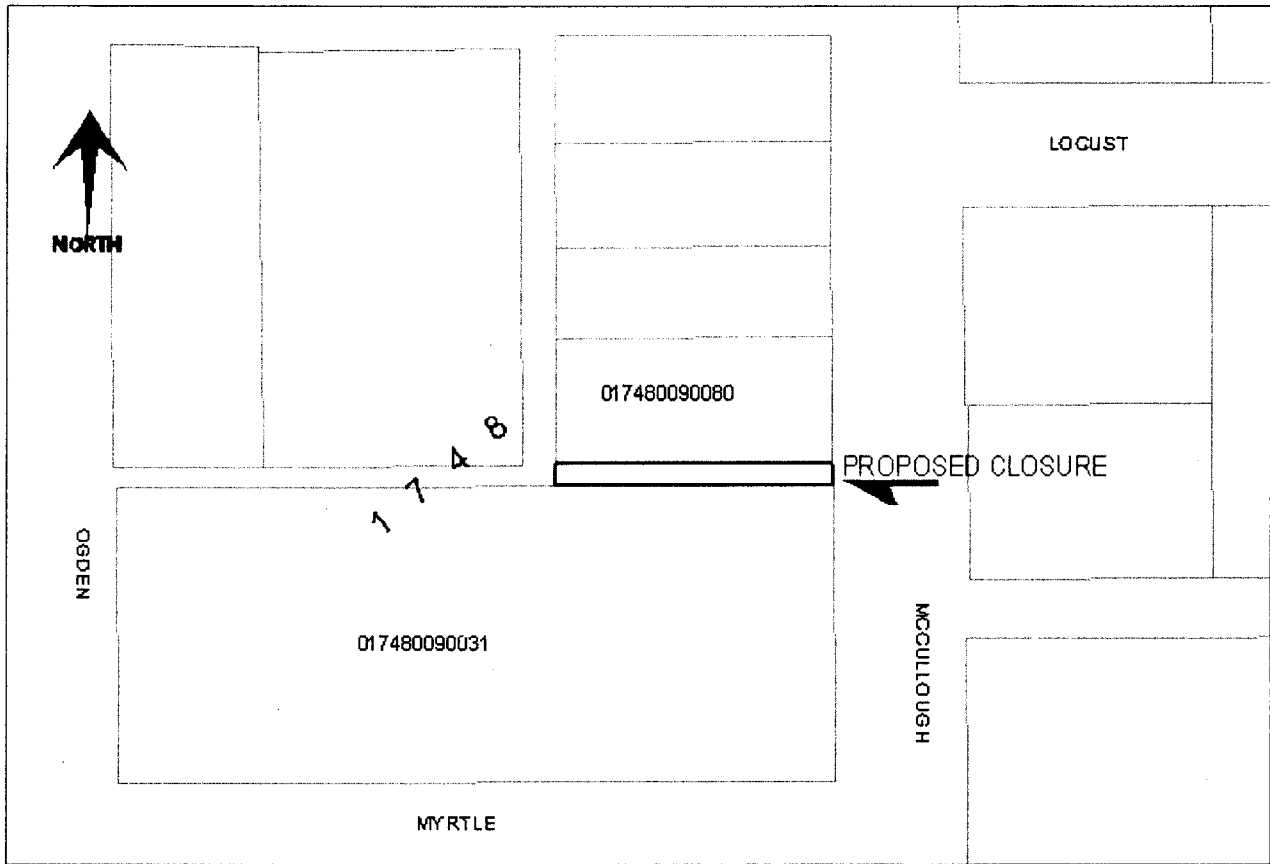


Exhibit "A"



## Exhibit "A"